



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,379	11/02/2000	Fred Bishop	10655.7600	4909
20322	7590	03/30/2006	EXAMINER	
SNELL & WILMER ONE ARIZONA CENTER 400 EAST VAN BUREN PHOENIX, AZ 850040001			PATEL, JAGDISH	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/704,379	<b>Applicant(s)</b> BISHOP ET AL.	
	<b>Examiner</b> JAGDISH PATEL	<b>Art Unit</b> 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2-10,15,16,19,21-25,38,53-58 and 61-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-10,15,16,19,21-25,38,53-58 and 61-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This communication is in response to amendment filed 1/11/06.

#### ***Response to Amendment***

2. Claims 2-10, 15, 19, 21-25, 38, 57 and 58 have been amended.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejections.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6, 2-5, 7-10, 15,16, 19, 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Independent amended claims 6, 2-5, 7-10, 15,16, 19, 38 which is representative of other independent claim has been analyzed. Other independent claim also contain similar defects.

Claim 6, 2-5, 7-10, 15,16, 19, 38 recites limitation "providing a shipping agent associated with said transaction mechanism, said shipping agent performing the steps of.." which is

Art Unit: 3624

followed by various steps concerning a purchase transaction of an item performed by the shipping agent. However, these step do not relate to the transaction being carried out at the transaction mechanism. The shipping agent receives an item from the second party (e.g. a seller), debits funds in the amount of a sales price of the item from the first (e.g. buyer's) account, disburses the funds to the second (e.g. the seller's) account and subsequently causes the item to be delivered to the first party (e.g. buyer) upon completion of the funds transfer process. Note that this process has no connection to the purchase transaction being processed at the transaction mechanism. For example, the shipping agent performs the debiting, and delivery steps independent of the transaction information relating to the purchase transaction, and whether the transaction mechanism determined the transaction to be acceptable or not. The item received from the second party is not related to the purchase transaction. There is no communication of the information concerning the item and the sales price of the item, the account information from the transaction mechanism to the shipping agent.

Claim 38 corresponds to method claim 6 and has been similarly analyzed.

At least based on the foregoing analysis, claims fails to particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention and therefore stand rejected under 35 USC 112( second).

### ***Claim Rejections - 35 USC § 103***

6. Claims 2-10,15,16,19,21-25,38 and 5 3-58 and 61-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker (US 5,794,207) (Walker, '207' Patent) and further in view of Walker (US 6,108,639) (Walker, '639' Patent)

As per claim 6, Walker, '207' Patent teaches a method of facilitating commercial transactions, which method comprises the steps of:

Art Unit: 3624

facilitating registration of a first party and a second party with a transaction mechanism having a financial account identifier for identifying a first financial account associated with said first party;

(see col. 8 L 66 – col. 9 L 5; col. 13 L 1-10 and Fig. 5; see col. 15 L 46+ CPO)

receiving at said transaction mechanism a request to debit said first financial account to effectuate purchase transaction between said first party and said second party;

(col. 9 L 32-43, funds transfer)

receiving at said transaction mechanism transaction information relating to said purchase transaction between said first party and said second party;

(buyer creates a CPO, see col. 8 L 66 – col. 9 L 5)

determining at said transaction mechanism whether said purchase transaction is acceptable based upon at least one of said transaction information between and said request to debit said first financial account.

(see Fig. 6, col. 17 L 27-47, see col. 22 “Delayed Payment Embodiment”)

While, Walker, ‘207’ Patent teaches the aforementioned process steps pertaining to the purchase transaction, it fails to teach that a shipping agent is provided which performs the functions of receiving an item, debiting funds from the first financial account and crediting the funds to the second financial account and causing the item to be delivered to the first party as per claim 6.

Walker, ‘639’, Patent, in the same field of endeavor, however, discloses a method and system of facilitating commercial transactions which comprises a shipping agent performing the aforementioned transactional steps as follows:

receiving an item from said second party;  
(col. 3 L 39-42, goods are forwarded to the dealer/authenticator)

debiting funds from financial account of said first party;

(col. 3 L 48-55 the dealer/authenticator can authorize payment to the seller, inherently this would require that the funds from the buyer account are debited)

disbursing funds to a financial account associated with said second party;

Art Unit: 3624

(col. 3 L 48-55 the dealer/authenticator can authorize payment to the seller)

crediting said funds to said financial account associated with said second party.

(col. 3 L 48-55 the dealer/authenticator can authorize payment to the seller)

causing said item to be delivered to said first party after said funds are credited to the said second financial account.

(col. 3 L 48-55 the dealer/authenticator can deliver the item to the buyer and authorize payment to the accepting seller)

It would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the aforementioned features Walker, '639', Patent in the former Walker Patent reference because it would provide assurance to the first party (e.g. a buyer) that the item being purchased from the second party (e.g. a seller) would be delivered in accordance with the purchase transaction and would guarantee the second party that a payment is received prior to the delivery of item.

Please refer to prior office action for detailed analysis of claims 2-5 and 7-10.

Claim 15. The method of claim 6, comprising the step of receiving notification by said transaction mechanism from said shipping agent that said first party has received goods, services, and other value shipped from said shipping agent.

(see col. 22 "only after goods have been received by the buyer are the funds transferred ..", note that receiving notification is inherent because the central controller performs the escrow function)

Claim 16. The method of claim 6, comprising the step of providing an intermediary to facilitate said transaction between said first party and said second party.

(see for example, Fig. 1, refer to central controller 200 which performs the functions of an intermediary)

Claim 19. wherein the step of providing a shipping agent comprises maintaining by said transaction mechanism at least one of said first party's and said second party's identity and address in confidence with respect to either said first or said second party.

(refer to Walker "Delayed Payment Embodiment", col. 22, note that the payment is carried out by the central controller who acts as an escrow agent).

Refer to claim 6 for motivation statement.

Claims 21-25 have been analyzed as per respective method claims 2-6. All limitations have been recited in the cited references.

Claim 38 corresponds to method claim 6 and has been analyzed accordingly.

Claims 53, 57 and 58 have been analyzed as per respective method claims 2-6. For hardware elements of the device please refer to Figures 2-4.

Claim 54: network interface in communication with said central processor (see Figure 2).

Claim 55: storage device ..customer transaction records database.. (see Fig. 2 Buyer database).

Claims 56: said memory comprises a risk management module, transaction control module and an authentication module (see data storage device 250 having contract detail database 280, cryptographic key database 290 and CPO database which is accessible by CPU 205)

Claims both explicitly meet 61-64 cited references of (Walker, '207' Patent) and (Walker, '639' Patent) since the commercial transaction pertain to item of values.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

Art Unit: 3624

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAGDISH PATEL whose telephone number is (571) 272-6748. The examiner can normally be reached on 800AM-600PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 517-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jagdish N. Patel

(Primary Examiner, AU 3624)

3/27/06